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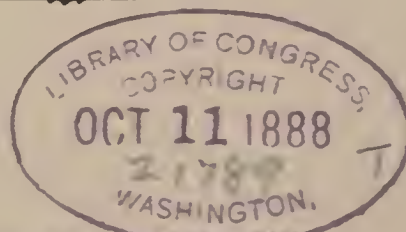
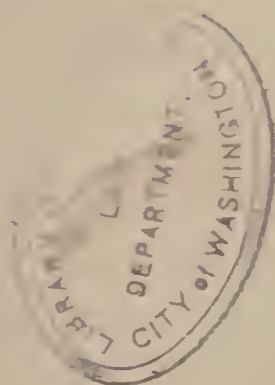


A HAND BOOK
ON
NATURALIZATION.

BEING A COMPILATION OF THE NATURALIZATION
LAWS, FROM THE REVISED STATUTES OF
THE UNITED STATES; WITH
FORMS, ETC.

ALSO
CONTAINING THE QUALIFICATIONS FOR VOTING
IN EACH STATE OF THE UNION.

BY
CLIFFORD BOESE.



NEW YORK AND ALBANY :
BANKS & BROTHERS, LAW PUBLISHERS.
1888.

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A HANDBOOK ON NATURALIZATION.

Any alien may be admitted to become a citizen of the United States, by complying with the requirements of the Revised Statutes of the United States.

In the Revised Statutes, we find as follows under the head of

TITLE XXX—NATURALIZATION:

Section 2165. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

First. He shall declare on oath, before a Circuit or District Court of the United States, or a District or Supreme Court of the Territories, or a Court of Record of any of the States having common law jurisdiction, and a seal and clerk, two years, at least prior to his admission, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly, by name, to the prince, potentate, state or sovereignty of which the alien may be at the time a citizen or subject.

Second. He shall, at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every

foreign prince, potentate, state, or sovereignty; and particularly, by name, to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Third. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held, one year at least; and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

Fourth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in court.

Fifth.

Sixth. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the declaration of intention to become a citizen of the United States, required by section two thousand one hundred and sixty-five of the Revised Statutes of the United States, may be made by an alien before the *clerk* of any of the courts named in said section two thousand one hundred and sixty-five; and all such declarations heretofore made

before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section.

(The fifth subdivision, and the first part of sixth subdivision, apply to persons who resided in this country prior to the year 1812, and therefore are of no interest in the present connection.)

Declaration of Intention or "First Paper."

The alien shall first declare on oath before a Circuit or District Court of the United States, or a District or Supreme Court of the Territories, or a Court of Record of any of the States having common law jurisdiction and a seal and clerk, that it is bona fide his intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly, by name, to the prince, potentate, state or sovereignty, of which the alien may be at the time a citizen or subject.

The party making this declaration signs in a book of records kept for that purpose, and upon taking the prescribed oath, a certified copy of the declaration of intention is given to the applicant, which copy is necessary upon final application for citizenship.

This declaration of intention, or rather the certified copy, is commonly called the "first paper," and application for it can be made at any time after the arrival of the alien. It is not necessary that the applicant have a witness to such declaration.

As the books of declaration of intentions are "records," a copy of any declaration can at any time be

obtained from the clerk of the court where such declaration is made.

Following is a form of the declaration of intention :

UNITED STATES OF AMERICA.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.

BE IT REMEMBERED, That on the day of
..... in the year of our Lord one thousand eight
hundred and eighty personally
appeared
in the Superior Court of the City of New York (*said Court being
a Court of Record, having common law jurisdiction, a Clerk and a
Seal*), and made his declaration of intention to become a Citizen
of the United States of America, in the words following to wit :

I,
do declare on oath, that it is *bona fide* my Intention to become a
Citizen of the United States of America, and to renounce forever
all allegiance and fidelity to any foreign Prince, Potentate, State
or Sovereignty whatever, and particularly to the
..... of whom I am a subject.

Sworn, this day }
of 188 }

Residence,

..... Clerk.

In Attestation Whereof, and that the foregoing is a
true copy of the original declaration of intention
remaining of record in my office, I,
Clerk of the said Superior Court, have hereunto
subscribed my name and affixed the seal of the
Court, this day of 188

..... Clerk.

Final Papers on Declaration.

To obtain the final certificate of citizenship, it is necessary that the applicant have resided in the United States, at least five years immediately preceding such application, and within the State or Territory, at least one year preceding such application; and furthermore, it is necessary that at least two years shall have elapsed since the declaration or obtaining of the "first paper."

Residence.

There must be an actual residence of five years in the United States, and one year in the State or Territory, on the part of the applicant, before he can be admitted to citizenship.

It has been held that mere temporary absence, either on business or pleasure, is permissible. The term "continued term of five years at least next preceding the present time," has been construed to mean such a residence as has not been broken by a permanent absence. And also, that absence from the United States for the purpose of being educated, was not such an absence as would conflict with the requirements of the Statute.

Where, however, the applicant, accompanied by his family, has absented himself from the United States, and such residence has been for the purpose of pursuing his business avocation, although the residence has been but for a limited period, then it will be necessary for further continued residence of five years. If it be that he intends to take up a residence where he is going, then he renounces his intention of remaining here, notwithstanding he has declared his intentions to become a citizen.

As to a residence in the State or Territory, that must be a *continuous* one, in the State or Territory where he

makes the application, immediately preceding the application. A temporary *residence* in another State, will deprive the applicant of his right to be admitted. Mere temporary absence from the State for business or pleasure, not extending over a greater portion of the year, would not deprive the applicant of his right.

This proof as to residence, must be made by some person other than the applicant, who has knowledge of the facts and can swear that the applicant has resided in the State or Territory, and the United States, during the required time. In no case is the applicant allowed to prove his own residence. It is also necessary to prove by a witness, that the applicant is a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

The form of affidavit, embodying above facts, and generally used, is as follows :

SUPERIOR COURT
OF THE CITY OF NEW YORK.

IN THE MATTER OF THE
APPLICATION OF

.....

BY OCCUPATION

TO BE ADMITTED A CITIZEN OF THE
UNITED STATES OF AMERICA.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.

being duly sworn, says, that he resides in

and that he is well acquainted with the above-named applicant, and that the said applicant has resided within the United States for the continued term of five years, at least, next preceding the present time, and within the State of New York one year, at least immediately preceding this application; and that, during that time, he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

.....
Sworn in open Court, this *day* }
of 188 }

CLERK.

When these preliminaries have been complied with, and have been made to appear to the satisfaction of the court, the applicant must declare on oath that he will support the Constitution of the United States, and renounce his allegiance to foreign countries.

Following is the form of oath :

STATE OF NEW YORK, }
CITY AND COUNTY OF NEW YORK, } ss. I,

residing in No.
do solemnly swear that I will support the Constitution of the United States; and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever, and particularly to the
..... of whom I was before a subject.

.....
Sworn in open Court, this *day* }
of 188 }

CLERK.

If the applicant has borne any hereditary title, or been of any order of nobility, he shall in addition to the ordinary oath, make an express renunciation of his title or order of nobility, at the time his application is made.

Upon a full compliance with these provisions being made, and the applicant has taken the oath, an order is made by the court, admitting the applicant, in these words:

At a special term of the Superior Court of the City of New York, held in the Court House of the City of New York, on the
day of 188

PRESENT: Hon.

JUDGE.

IN THE MATTER

of the application of the *within named* applicant to be admitted a Citizen of the United States of America.

The said applicant appearing personally in Court producing the evidence required by the Acts of Congress, and having made such declaration and renunciation, and having taken such oaths as are by the said acts required, *It is Ordered* by the said Court, that the said applicant be admitted to be a Citizen of the United States of America.

Enter

The affidavits, the certified copy of declaration and the order of the court are filed in open court, and the clerk thereupon issues to the newly made citizen a certificate in words as follows:

UNITED STATES OF AMERICA.

STATE OF NEW YORK.

CITY AND COUNTY }
OF NEW YORK, } ss.

Be it remembered,

That on the day of in the
year of our Lord one thousand eight hundred and eighty

.....
appeared in the Superior Court of the City of New York (the
said Court being a Court of Reeord, having Common Law Juris-
diction, and a Clerk and Seal), and applied to the said Court to
be admitted to become a Citizen of the United States of America,
pursuant to the provisions of the several Acts of the Congress of
the United States of America, for that purpose made and provided.
And the said applicant having thereupon produced to the Court
such evidence, made such declaration and renuneiation, and taken
such oaths as are by the said Acts required,

Thereupon, it was ordered by the said Court, that the said ap-
plicant be Admitted, and he was accordingly Admitted by the
said Court to be a Citizen of the United States of Ameriea.

In Testimony Whereof, the Seal of the said
Court is hereunto affixed this
day of one thousand
[L. s.] eight hundred and eighty and in
the one hundred and
year of our independenee.

By the Court.

..... CLERK.

It will therefore appear, that the necessary steps to
be taken by an alien who arrives in this country, when
OVER the age of eighteen years are:

1. To make a declaration on oath before a Circuit or

District Court of the United States, or a District or Supreme Court of the Territories, or a Court of Record of any of the states having common law jurisdiction, and a seal and clerk, of his intention to become a citizen. It is not necessary to have a witness when he makes this declaration, and it may be made at any time. The certified copy of the declaration of intention *must* be presented when application is made for admission to citizenship.

2. That he has resided in the United States for a continued term of five years, at least, next preceding his application for admission. This must be proven to the satisfaction of the court, by other testimony than that of the applicant.

3. A residence of at least one year immediately preceding the application, in the State where is held the court to which such application is made. This must be proven to the satisfaction of the court, by other testimony than that of the applicant.

4. An interval of two years between the declaration of intention and the application for citizenship. This is documentary evidence, and is proven by the certified copy declaration of intention.

5. Good moral character, and an attachment to the principles of the Constitution of the United States, and a disposition to the good order and happiness of the same. Which facts must be proven by a witness, other than the applicant.

Soldiers.

Section 2166. Any alien, of the age of twenty-one years and upwards, who has enlisted, or may enlist, in

the armies of the United States, either the regular or volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than *one* year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States.

The application under this section is made by petition showing the age, enlistment and discharge of the alien, which petition must be verified in open court.

The certificate of discharge is, of course, the most competent proof for the court, of the fact of an honorable discharge. But, should the certificate be lost, as is sometimes the case, the fact of such honorable discharge may be proven to the satisfaction of the court, by other documentary evidence. In most cases this evidence may be obtained from the office of the Adjutant General at Washington, or from the Chief of the Pension Bureau. In addition thereto, there must be such testimony as the court may require as to the identity of the applicant, as well as to his residence for the required period, one year. The residence and identification must be proven by some other person than the applicant.

Upon a full compliance with these provisions being

made to appear to the satisfaction of the court, an order is made by the court admitting the applicant.

Following is the form of the petition, affidavit, order, etc.:

**SUPERIOR COURT
OF THE CITY OF NEW YORK.**

<p>IN THE MATTER OF THE</p> <p style="text-align: center;">APPLICATION OF</p> <p>.....</p> <p>BY OCCUPATION</p> <p>TO BE ADMITTED A CITIZEN OF THE UNITED STATES.</p>

To the Superior Court of the City of New York:

The petition of
residing in respectfully shows :
That he is of the age of twenty-one years and upwards, and has
resided within the United States for the continued term of one
year next preceding the present time ; that your petitioner enlisted
in the Army of the United States in the Regiment of
..... on the day of
18 .., at in
and was honorably discharged therefrom on the
day of 18 .., at ; your
petitioner therefore asks to be admitted to become a citizen of the
United States, pursuant to Sec. 21 of the Act of Congress passed
July 17, 1862, entitled “ *An Act to define the pay and emoluments
of certain officers of the Army, and for other purposes.*”

.....

STATE OF NEW YORK, }
City and County of New York, } ss.

The within-named petitioner, being duly sworn, says that the matters contained in the foregoing petition are true.

Sworn in open Court, this day
of 18 }

CLERK.

STATE OF NEW YORK, } ss.
City and County of New York, }

being duly sworn, says, that he resides in
and that he is well acquainted with the above-named petitioner;
and that the said petitioner has resided within the United States
for the continued term of one year at least next preceding this ap-
plication; and that during that time he has behaved as a man of
good moral character attached to the principles of the Constitu-
tion of the United States, and well disposed to the good order and
happiness of the same; and that he knows the said applicant to
be the identical person mentioned and described in the foregoing
petition, and in the certificate of discharge from the service of the
United States Army, now produced to the Court.

Sworn in open Court, this day }
of 18 }

CLERK.

STATE OF NEW YORK, }
City and County of New York, } ss. I.....

residing in _____ do solemnly swear that I will support the Constitution of the United States; and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever and particularly to the _____ of whom I was before a subject.

Sworn in open Court, this day }
of 18 }

CLERK.

At a special term of the Superior Court of the
City of New York, held at the City Hall of the
City of New York, on the
day of 18

PRESENT: Hon.

JUDGE.

IN THE MATTER

of the application of the *within*
named applicant to be admitted
a Citizen of the United States
of America.

The said applicant appearing
personally in Court and producing his certificate of
discharge from the service of the United States Army,
and the evidence required by the Acts of Congress,
and having made such declaration and renunciation,
and having taken such oaths as are by the said Acts
required, *it is ordered* by the said Court, that the ap-
plicant be admitted to be a Citizen of the United
States of America.

Enter

The petition, affidavits, order etc., are filed in open
court and a certificate of naturalization is issued to the
applicant. (As to form of certificate, see page 9.)

It will therefore be seen, that the requirements under
this section are :

1. An honorable discharge from the armies of the
United States.

Which fact is to be proven by the certificate of dis-
charge.

2. One year's residence in the United States.

To be proven by some one other than the applicant.

3. Qualifications as to character.

To be proven by some one other than the applicant.

4. Oath of renunciation by the applicant.

Minors.

Section 2167. Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of section twenty-one hundred and sixty-five; but such alien shall make the declaration required therein at the time of his admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for two years next preceding, it has been his bona fide intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization.

As a majority of the aliens applying for citizenship, come under the provisions of this section, the first and most important fact to be proved to the satisfaction of the court, is the age of the alien at the time of his arrival here. And positive proof of that fact must be produced. This may be made to appear by testimony of witness or witnesses by such documentary evidence that is indisputable and that will satisfy the court. The record in the family Bible or the baptismal register may

be produced. But whatever method is adopted, undeniable proof is invariably required.

With reference to residence in this proceeding under this section, the rule applies as in the proceedings after a declaration of intention has been made. Continuous residence means such a residence as has not been broken by an absence from the country on the part of the applicant, except that such absence was either for pleasure or merely temporary, and with the intention of returning; or that it is in connection with his established business here, and only temporary in order to benefit such business.

If the alien had arrived in this country before the age of 18 years, then, before applying for citizenship, had gone to a foreign country with the avowed intention of pursuing his avocation there, such an absence would deprive him of the rights of citizenship, until after five years should have elapsed from the date of his return, and he shall have declared his intention, as is provided for in section 2165.

The rules as heretofore stated, as regard the manner of proving residence, and as to character of applicant, also apply here.

This section further provides, that the applicant shall prove a *bona fide* intention for two years, to become a citizen of the United States; and further, that he must renounce allegiance to foreign powers.

Following is the form used under this section :

=====

and that he is well acquainted with the above-named applicant, and that the said applicant has resided in the United States for three years next preceding his arrival at the age of twenty-one years; that he has continued to reside therein to the present time; that he has resided five years within the United States including the three years of his minority, and in the State of New York one year, at least, immediately preceding this application; and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and deponent verily believes, that for two years next preceding this application it has been, *bona fide*, the intention of the said applicant to become a Citizen of the United States.

Sworn in open Court, this day }
of 18 }

..... CLERK.

STATE OF NEW YORK, } ss. I.
City and County of New York, }

the above-named applicant, do declare, on oath, that it is *bona fide*, my intention, and has been for three years next preceding this application, to become a Citizen of the United States; and to renounce forever all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty, whatever, particularly to the of whom I am now a subject.

Sworn in open Court, this day }
of 18 }

..... CLERK.

STATE OF NEW YORK, } ss. I.
City and County of New York, }

the above-named applicant, do solemnly swear that I will support the Constitution of the United States; and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to

every foreign Prince, Potentate, State or Sovereignty whatever,
and particularly to the
of whom I was before a subject.

Sworn in open Court, this *day* }
of 18 }

..... CLERK.

Upon a full requirement of the provisions and it having been made to appear to the satisfaction of the court, an order of admission is made and the clerk issues to the party a certificate.

It is necessary to prove under this section :

1. That applicant was under the age of eighteen years at the time of his arrival in the United States. This can be proven either by documentary evidence or by the testimony of witnesses.

2. To be over the age of twenty-one years at the time of making the application. This should be proven by the testimony of witnesses.

3. That he has resided in the United States for a continued term of three years next preceding his arrival at the age of twenty-one years, and has resided for a continued term of five years in the United States. This must be proven to the satisfaction of the court by testimony other than that of the applicant.

4. A residence of at least one year immediately preceding the application, in the State or Territory where is held the court, to which such application is made. This must be proven by other testimony than that of the applicant.

5. The intention of the applicant for two years to become a citizen, and renouncing his allegiance to for-

eign powers. This is proven by the testimony of witnesses, and oath of applicant.

6. Good moral character and attachment to the principles of the Constitution of the United States. Which facts must also be proven by a witness other than the applicant.

Widows and Children.

Section 2168. When any alien, who has complied with the first condition specified in section twenty-one hundred and sixty-five, dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

The first condition mentioned in this section, is what is called the "Declaration of Intention." It would seem that under this section the widow and children of an alien who had died after having declared this declaration, were entitled to be admitted as citizens upon taking the prescribed oaths. But, under the provisions of Section 2170 following, there must have been a continued residence by the applicant of five years next preceding the application.

Aliens of African Descent.

Section 2169. The provisions of this Title shall apply to aliens (being free white persons, and to aliens) of African nativity and to persons of African descent.

Residence in the United States.

Section 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

This section makes the residence of five years positive.

Alien Enemies.

Section 2171. No alien who is a native citizen or subject, or a denizen of any country, state or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the Territories thereof, on the eighteenth day of June in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

Children of Aliens.

Section 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as

citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the Legislature of the State in which such person was proscribed.

This section applies to children of persons who have been duly naturalized, and it would at first seem, that it was intended that all children of the naturalized person residing in the United States, became citizens when they arrived at the age of twenty-one years. This however is limited by section 2170, which provides that aliens must reside in the United States at least five years so that only those children who shall be under the age of sixteen years are made citizens at the time of the naturalization of their parents.

Section 2173. The Police Court of the District of Columbia shall have no power to naturalize foreigners.

Sailors.

Section 2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant-vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the cer-

tificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant-vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

In applications under this section, the court to whom application is made for admission, will require other proof than the certified copy of declaration of intention. As to proof of the honorable discharge, that must of course be the properly authenticated certificate.

It is necessary to produce a witness who can prove the facts, and the method of proceeding in this regard under this section, is somewhat similar to that required in the case of the application of a soldier. The main difference being that it will not be necessary to testify as to the one year's residence in the United States, as under this section, the three years' service on board of a merchant vessel of the United States is made equivalent to a continued residence of five years in the United States.

As to admission to citizenship of alien, under this section the requirements are:

1. He must have declared his intention to become a citizen of the United States. This is documentary evidence and is best proven by the certified copy of declaration of intention.

2. Three years service on board of a merchant vessel of the United States. This proof is by the production of the certificate of discharge and testimony of witness.

3. An honorable discharge; evidence of his good moral character during the three years service; and that he is attached to the principles of the Constitution. This is proven by certificate of discharge and testimony of witness.

After the applicant has taken the oath of allegiance and renunciation, and the order of admission has been made by the court, the clerk will thereupon issue to the applicant a certificate of naturalization.

The Navy.

The provisions of the Revised Statutes, do not give preference to sailors who have been honorably discharged from the Navy of the United States. This applies also to the Marine Corps. Application cannot be made on discharge, as in the case of a Soldier, but must be made in conformity with general provisions governing admissions to citizenship.

General Information.

“All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.” *Rev. Stat. U. S.*, Sect. 1992.

“All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this government the same protection of persons and property which is accorded to native-born citizens.”
—*Rev. Stat. U. S.*, Sect. 2000.

Children of citizens, born abroad, are to be considered citizens of the United States.

Section 1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the right of citizenship shall not descend to children whose fathers never resided in the United States.

The minor children (under sixteen years of age) of women marrying citizen, become citizens at the age of twenty-one years. This is by virtue of the fact that the woman becomes a citizen *ipso facto*, by her marriage.

Wives of citizens are to be deemed citizens:

Section 1994. Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

FEMALES as well as males may be naturalized under the provisions of the Revised Statutes.

Females having taken out declaration of intention in maiden name, and subsequently marrying, wishing to become naturalized are naturalized, under married name.

Chinese are not entitled to be admitted citizens of the United States. This is provided for in the Act of 1875, which restored the words "aliens being free white persons" to Section 2169 of the Revised Statutes (see section 2169 *supra*). The "Chinese Immigration" act of May, 1882, declares that "the Chinese shall not be admitted to citizenship."

Chinese have been naturalized and are now citizens of the United States. Nearly if not all, however, were admitted prior to the Act of 1875, or on declaration of intention to remain made prior to the enactment of that statute, though the application for admission was made subsequent thereto.

Where to Apply.

As a rule, printed blanks that substantially conform to the requirements of the Statute, are provided by the various courts having jurisdiction to naturalize, and may be had on application to the clerks thereof.

It must be remembered however, that these blanks are for the convenience of the court, and that as the testimony of the applicant and witness remains of record, other testimony than is contained in the blanks may be required to fully satisfy the court of the right of the applicant to be admitted to citizenship.

In New York City, the courts to apply to for admission to citizenship, are the District and Circuit Court of the United States, situated in the United States Post Office Building, and the Superior Court of the City of New York, and the Court of Common Pleas, in the new County Court House. In other counties in the State of New York, applications should be made to the Supreme Court or United States Courts.

In other States, the court held at the County Seat or the place where the United States Court hold their sessions, are the proper places to apply.

As a rule, the courts to which application for admission is made, do not require more than one witness to prove the facts necessary to be proved under the provision of the statutes.

Under no circumstances is the applicant permitted to prove residence by his own testimony.

A knowledge of the Constitution of the United States is essential, to enable the applicant to consistently state his attachment to its principles. Consequently before making application, the alien should acquaint himself with its provisions.

A certificate given by the Clerk of a court of competent jurisdiction, under seal of the court, showing that the holder of the same has been admitted to citizenship, is of itself competent evidence of its validity.

And it has been held that the record of the court in these matters, is conclusive and cannot be contradicted by evidence outside the record.

It is sometimes required in application for admission, in a State other than the one where declaration of intention is made, that an *exemplified* copy and not a mere *certified* copy, be produced before the court to whom application for admission is made. The provisions of section 905, title 12, chapter 17 of Revised Statutes of the United States, provide that:

. "The record and judicial proceedings of the courts of any State or Territory, or of any such country, shall be proved or admittted in any court within the United States, by the attestation of the Clerk and the seal of the court annexed, if there be a seal, together with a certificate of the Judge, Chief Justice or presiding magistrate, that the said attestation is in due form."

On application to the Clerk of the court where the declaration of intention was originally made, a properly exemplified copy will be furnished on payment of fees.

Fees.

The fees, provided by law in the State courts in the State of New York, are :

For all proceedings on declaration of intention and certified copy thereof, 20 cents.

For all proceedings on final application on declaration of intention ; and certificate of naturalization, 50 cents.

For all proceedings on application for citizenship of minor ; and certificate of naturalization, 50 cents.

For all proceedings on application for citizenship of soldier or sailor ; and certificate of naturalization, 50 cents.

The fees in the District and Circuit Courts of the United States in the City of New York, are :

For all proceedings on declaration of intention and certified copy thereof, 65 cents.

For all proceedings on final application on declaration of intention ; and certificate of naturalization, \$1.35

For all proceedings on application for citizenship of minors ; and certificate of naturalization, \$1.60

For all proceedings on application for citizenship of soldier or sailor ; and certificate of naturalization, \$1.60

In the State of New York to entitle a person to vote at a general election, he must be a citizen ten days. It will be seen therefore, that the alien must make his application for admission at least ELEVEN days before election day.

The Right of Suffrage.

Naturalization is a right conferred by the Union. The right to vote comes from the State.

“The doctrine that the recent amendments to the Federal Constitution do not confer the right of suffrage upon any one, and that the right to vote in the States comes from the State, has been repeatedly decided by the Supreme Court of the United States.”

In the case of *Cruikshank*, the Supreme Court said:

“There is in our political system a government of each of the States and a government of the United States. Each is distinct from the others, and has citizens of its own, who owe it allegiance, and whose rights, within its jurisdiction, it must protect. The same person may be at the same time a citizen of the United States and a citizen of a State; but his right of citizenship under one of these governments will be different from those he has under the other. The government of the United States, although it is, within the scope of its powers, supreme and beyond the States, can neither grant nor secure to its citizens rights or privileges which are not expressly or by implication placed under its jurisdiction. All that cannot be so granted or secured are left to the exclusive protection of the states.

“The Fifteenth Amendment does not confer the right of suffrage, that comes from the State; but it invests citizens of the United States with the right of exemption from discrimination in the exercise of the elective franchise, on account of their race, color or previous condition of servitude, and empowers Congress.

to enforce that right by "appropriate legislation." The power of Congress to legislate at all upon the subject of voting at state elections rests upon this amendment, and can be exercised by providing a punishment only when the wrongful refusal to receive the vote of a qualified elector at such election is because of his race, color, or previous condition of servitude."

A State cannot make a subject of a foreign government a citizen of the United States. This can be done only in the mode provided by the Naturalization Laws of Congress.

The rights and duties of citizenship cannot be imposed upon aliens who do not choose to take them, but in nearly all of the States of the Union, naturalized citizens who reside within the States, are accorded the same privileges that are enjoyed by persons born therein. In some of the States, however, further qualifications or restrictions are imposed.

All of the States restrict the right to vote to *males* of 21 years of age and upward. In several of the States women are entitled to vote at school elections.

Qualifications for Voting in Each State of the Union.

Following are the qualifications for voting in each State of the Union, as provided for in the constitutions of the several States.

ALABAMA.

A citizen of the United States, or alien who has declared intention, who has resided in State one year; in county three months; and in precinct thirty days.

Persons convicted of crime punishable by imprisonment, idiots and lunatics are excluded from right of suffrage. Registration required.

ARKANSAS.

A citizen of the United States, or alien who has declared his intention, who has resided in State one year; in county six months; and in precinct one month.

Unpardoned felons, idiots and insane persons are excluded from right of suffrage. Registration prohibited by constitutional provision.

CALIFORNIA.

A native born or naturalized citizen, or citizen by reason of treaty of Queretaro, who has resided in the State one year; in county ninety days; and in precinct thirty days. Except Chinese, persons convicted of infamous crime or embezzlement, idiots and insane. Registration required.

COLORADO.

A citizen or alien who has declared his intention four months before he offers to vote, who has resided six months in the State; ninety days in county; and ten days in precinct.

Persons convicted of felony and not restored to citizenship are not entitled to vote. Registration required.

CONNECTICUT.

A citizen of the United States, able to read, and of good moral character, who has resided in the State one year; and in town six months.

Persons convicted of crime of infamous character excluded from suffrage. Registration required.

DELAWARE.

A citizen under the age of twenty-two and over twenty-one, and a citizen over the age of twenty-two who has paid county tax within two years prior to election, who has resided one year in State; and one month in county. Actual residence is required.

Idiots, insane persons, paupers and felons excluded from right of elector. Registration not required.

FLORIDA.

A citizen of the United States, or alien who has declared his intention, who has resided in State one year; and in county six months. Actual residence necessary.

Persons under guardianship, *non compos mentis* or insane; felons unrestored to citizenship; and persons sending, bringing or accepting duelling challenges not allowed to vote. Registration required.

GEORGIA.

A citizen of the United States, who has resided in the State one year; and in county six months.

Idiots, insane persons and persons convicted of infamous crime or treason against State, and those who have not paid taxes since the year 1877, not allowed to vote. Registration required in few counties by local law.

ILLINOIS.

A citizen of the United States, who has resided in

the State one year; in county ninety days; and in district thirty days.

Unpardoned criminals not allowed to vote. Registration is required; but (except in a few cities,) a legal voter not registered, may vote upon filing an affidavit that he is entitled to vote, and has not already voted.

INDIANA.

A citizen of the United States, or alien having declared his intention, has resided in United States one year; and in State six months. A residence of six months in State, sixty days in town and thirty days in ward or precinct, is necessary. Actual residence is also necessary.

Soldiers, seamen and marines in garrison have no right to vote if not citizens. And persons convicted of crime also disbarred from voting. Registration of voters not required.

IOWA.

A citizen of the United States who has resided six months in State; and sixty days in county. Actual residence necessary.

Persons convicted of infamous crime, insane and idiots, not entitled to right of suffrage. Registration required in all cities.

KANSAS.

A citizen of the United States, or alien who has declared his intention, who has resided six months in the State; and thirty days in township or ward.

Insane persons, idiots, convicts and rebels, not al-

lowed to vote. Also soldiers employed in the service of the United States. Registration required in all cities.

KENTUCKY.

A citizen who has resided in the State two years or in county, town or city one year; and who has resided for sixty days in precinct.

Persons convicted of infamous crime not allowed to vote. Registration not required.

LOUISIANA.

A citizen of the United States, or alien who has declared his intention, who has resided in the State one year; in parish six months; and in ward or precinct thirty days.

Persons who are insane, or convicted of crime punishable by hard labor or imprisonment, and idiots, are not allowed to vote. Registration required.

MAINE.

A citizen of the United States who has resided three months in state, town or plantation and precinct.

Paupers, persons under guardianship and Indians not taxed are not electors. Persons in military, marine or naval service of the United States or State, deemed not to have established residence by reason of being stationed in garrison; nor shall the residence of any student at seminary of learning entitle him to the right of suffrage in town or plantation where such seminary is established. Registration required.

MARYLAND.

A citizen of the United States who has resided in State one year; in county six months.

Persons convicted of infamous crime, *non compos mentis* and lunatics not entitled to vote. Registration required.

MASSACHUSETTS.

A citizen who has resided in State one year; and in town or district six months.

Paupers and persons under guardianship excepted.. Registration required.

MICHIGAN.

A citizen of the United States, or citizen or inhabitant who has declared his intention six months before election, who has resided in State three months: and in township or ward ten days.

Convicts, non-resident soldiers, duelists and accessories, members of Indian tribes, non-resident students, and aliens who have not declared intention, at least six months before election, not allowed to vote. Registration required.

MINNESOTA.

A citizen of the United States, or alien who has declared his intention, who has resided in the United States one year; in the State four months; and in district ten days.

Persons convicted of treason or under guardianship, felons and insane not allowed to vote. Registration required unless voter known to inspectors.

MISSISSIPPI.

A citizen of the United States who has resided six months in State ; one month in county.

Idiots, insane persons, and persons convicted of felony, and Indians not taxed, not allowed to vote. Registration required.

MISSOURI.

A citizen of the United States, or alien who has declared intention not less than one year, nor more than five years before he offers to vote, who has resided in State one year ; and in county, city or town sixty days.

Paupers, unpardoned criminals, felons, and United State soldiers and marines, not allowed to vote. The right is also denied to persons who have been convicted more than once, of violating the laws of suffrage. Registration required in cities of 100,000 inhabitants and over.

NEBRASKA.

A citizen of the United States, or alien who has declared his intention thirty days prior to an election, who has resided in State six months ; in county forty days ; and in precinct ten days.

Idiots, insane persons, felons and unpardoned convicts not permitted to vote. Registration is required in all cities.

NEVADA.

A citizen of the United States who has resided in State six months ; and in county thirty days. Actual residence necessary.

Idiots, insane persons, traitors, felons, and unam-

nestied Confederates who have borne arms against the United States not allowed to vote. Registration is required.

NEW HAMPSHIRE.

An inhabitant of the State, except paupers and persons excused from paying taxes at their own request, who has resided in State six months; and in town six months. Registration is required.

NEW JERSEY.

A citizen of the United States who has resided in State one year; and in county five months.

United States soldiers, sailors and marines not *bona fide* residents; idiots, paupers, insane persons, and persons convicted of crime which excludes them from being a witness, are denied the privilege of voting. Registration is required in cities of 10,000 inhabitants.

NEW YORK.

A citizen who shall have been a citizen ten days, who has resided in State one year; in county four months; and in election district thirty days.

Persons convicted of bribery or infamous crime (unless pardoned); bribers of voters and the person bribed; and persons convicted of betting on the result of any election at which they offer to vote, are excluded from the right of voting. Registration required in all cities and in all incorporated villages of over 7000 inhabitants.

NORTH CAROLINA.

A citizen of the United States, who has resided in the State one year; and in county ninety days.

Persons guilty of felony or other infamous crime unless restored to citizenship, not permitted to vote. Registration is required.

OHIO.

A citizen of the United States who has resided in the State one year; thirty days in county; and twenty days in precinct or ward.

Persons convicted of felony (unless pardoned), or insane, and idiots, have not the right of suffrage. Registration required in cities of Cincinnati and Cleveland only.

OREGON.

A citizen of the United States or alien who has declared intention at least one year preceding election, who has resided in State six months.

Chinese, United States soldiers, sailors and marines; persons convicted of felony or insane; and idiots, excluded from right to vote. Registration not required.

PENNSYLVANIA.

A citizen of the age of twenty-two years, and a citizen of the United States at least one month; if twenty-two years and upward, must have paid tax within two years. There must be a residence of one year in State; and two months in precinct.

Persons convicted of offence whereby right of suffrage is forfeited and non-taxpayer, not allowed to vote. Registration required.

RHODE ISLAND.

A citizen of the United States or alien who owns real estate in State of \$134 value, or which shall rent

for \$7 per annum, free and clear; who has resided in State one year (or if not owner of real estate, in State, then two years); and in town or city six months.

Paupers, lunatics, idiots, unpardoned convicts, persons under guardianship and foreign-born citizens not owners of real estate in State, of value of \$134 or which shall rent for \$7 per annum, not allowed to vote. Registration required of voters not owners of real estate.

SOUTH CAROLINA.

A citizen of the United States who has resided in the State one year; and in county sixty days.

Persons convicted of infamous crime or of duelling, idiots and paupers, not allowed to vote. Registration required.

TENNESSEE.

A citizen of the United States who has actually resided in the State one year; and county six months; and who has paid poll tax.

Persons convicted of bribery, (and the bribed,) or of infamous crime, unless pardoned, cannot vote. Registration not required.

TEXAS.

A citizen of the United States, or alien who has declared intention, who has resided in State one year; and county six months.

Idiots and lunatics, United States soldiers, marines and seamen in service, paupers and felons, not allowed to vote. Registration prohibited by constitutional provision.

VERMONT.

A citizen of the United States who has resided in the State one year. Actual residence required.

Convicts (not pardoned,) and deserters from United States military or naval service, not allowed to vote. Registration required.

VIRGINIA.

A citizen of the United States who has resided in State one year; and county three months. Actual residence necessary.

Idiots, lunatics, person convicted of bribery in any election, embezzlement of public funds, treason or felony; and duellists and abettors, (unless pardoned,) are not entitled to vote. Registration required.

WEST VIRGINIA.

A citizen of the State who has actually resided in State one year; and in county sixty days.

United States soldiers, sailors and marines, not *bona fide* residents, paupers, lunatics, felons, convicts, and persons convicted of bribery at elections, not entitled to vote. Registration prohibited by constitutional provision.

WISCONSIN.

A citizen of the United States, or alien who has declared intention, who has resided in State one year.

Idiots, insane persons, and persons convicted of felony or treason, (unless pardoned,) not entitled to vote.

Registration required in cities having 20,000 inhabitants and over.

Territories.

In the Territories the laws regulating the qualifications of voters are local. The Indian Territory and Alaska being governed directly by the general laws contained in the Revised Statutes.

ARIZONA.

Citizen of the United States, citizens by virtue of either the treaty of Queretaro or the Gadsden treaty, or alien who has declared intention to become a citizen, who has resided in Territory six months; and in county and precinct ten days.

Idiots, insane persons, and persons convicted of infamous crimes not entitled to vote. Registration required.

DAKOTA.

Citizen of the United States; alien who has declared intention; or person who has been declared, by law, a citizen of the Territory, who has resided in Territory ninety days; in county twenty days; and five days in precinct. Registration required.

IDAHO.

Citizen of the United States, who has resided in Territory four months; and in county thirty days.

Persons under guardianship, insane or *non compos mentis*, convicts, idiots, unpardoned felons, and members of society that advocate polygamy, not allowed to vote. The registration of voters necessary.

MONTANA.

Citizen of the United States, or alien who has declared intention, who has resided in Territory six months; and thirty days in county.

Persons under guardianship, insane or *non compos mentis*, and unpardoned felons, not allowed to vote. Registration required in some places.

NEW MEXICO.

Citizen of the United States, who has resided in Territory six months; in county three months; and in precinct thirty days.

Convicts, felons, forgers and non-resident soldiers not allowed to vote. Registration necessary.

UTAH.

Citizen of the United States, male or female, who has resided six months previous to election, in territory, and is taxpayer.

WASHINGTON.

Citizen of the United States, half-breed, or inhabitant who has declared intention six months previous to election, who has resided six months in Territory; and thirty days in county.

Non-resident soldiers, seamen and marines, idiots, insane persons and persons convicted of infamous crime, not entitled to vote in Territory. (There has been a recent decision disputing the constitutionality of the act permitting women to vote in the Territory.)

WYOMING.

Citizen of the United States, alien who has declared intention, and every woman of the age of twenty-one years, who has resided in Territory six months; and in county thirty days.

Persons under guardianship or insane, unpardoned felons or any person interested in any bet depending upon the result of any election, not allowed to vote.

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